

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

HEADWATER RESEARCH LLC,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD. and
SAMSUNG ELECTRONICS AMERICA,
INC.,

Defendants.

Case No. 2:23-cv-00103-JRG-RSP

JURY TRIAL DEMANDED

JOINT NOTICE AND STIPULATION REGARDING CASE NARROWING

Plaintiff Headwater Research LLC (“Headwater”) and Defendants Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. (collectively, “Samsung”) file this Joint Notice and Stipulation Regarding Case Narrowing and stipulate as follows:

1. Headwater withdraws the following claims asserted against Samsung in Headwater’s First Amended Complaint for Patent Infringement (Dkt. 31):

- Infringement under the Doctrine of Equivalents¹; and
- Pre-suit Willful Infringement.

2. Samsung withdraws the following affirmative defenses asserted in Samsung’s Answer and Defenses to Headwater’s First Amended Complaint for Patent Infringement (Dkt. 85):

- Third Affirmative Defense (Laches, Equitable Estoppel, Waiver, and/or Unclean Hands);

¹ Headwater’s infringement expert report does not contain opinions under the doctrine of equivalents (“DOE”) and, on that basis, DOE is not at issue.

- Fourth Affirmative Defense (Prosecution History Estoppel² and/or Disclaimer);
- Fifth Affirmative Defense as to Marking³;
- Sixth Affirmative Defense (Covenant Not to Sue, License, and/or Estoppel);
- Seventh Affirmative Defense (Failure to State a Claim)⁴; and
- Eight Affirmative Defense (Inequitable Conduct / Infectious Unenforceability).

Dated: November 1, 2024

Respectfully submitted,

By: /s/ Marc Fenster

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² Samsung withdraws its defense of prosecution history estoppel based on Headwater's withdrawal of any claim of infringement based on DOE.

³ Samsung withdraws its marking defense but reserves all other rights with respect to its Fifth Affirmative Defense entitled "Notice, Damages, Marking, and Costs."

⁴ Samsung will be moving to dismiss based on standing and is not waiving that defense.

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CERTIFICATE OF CONFERENCE

Counsel for Plaintiff and counsel for Defendants have complied with the meet and confer requirements of Local Rule CV-7(h). The parties agree in the filing of this Joint Notice and Stipulation Regarding Case Narrowing.

/s/ Marc Fenster

Marc Fenster

CERTIFICATE OF SERVICE

I certify that on November 1, 2024 counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system.

/s/ Marc Fenster

Marc Fenster